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SOME ADDITIONAL REMARKS ON THE PENNSYLVANIA SIDE REPORTS

Read at Asbury Park, 1919.

The side reports of Pennsylvania are the reports other than the official ones. Prior to 1889, they included publications devoted to decisions of the Supreme or highest court, but since that year the appellate court decisions have not been published in the Side Reports excepting as to occasional cases or for local reasons.

Martin's Bench and Bar of Philadelphia was published in 1883. At pages 191-200 is a bibliography of Pennsylvania Reports. It includes Federal reports, and some trials. It is followed by a long list of 86 pamphlets reporting single or special cases of all kinds and descriptions. The author, John Hill Martin, had published ten years before a History of Bethlehem, the Moravian town of Pennsylvania, and in 1877 he had published a History of Chester (Pa.) and its vicinity. His tastes led him to make terse running statements in his bibliographic lists, and these add to the interest and importance of his work. Lists of Pennsylvania Reports, including the Side Reports, are also to be found in the Digests of Pennsylvania Decisions, in the forepart of the first volumes.

The Lawyers' Reference Manual, by Charles C. Soule, was published in Boston in 1883, so that it was published during the same year as Martin's Bench and Bar of Philadelphia. Pages 49-53 are devoted to Pennsylvania, and include a few of the Pennsylvania Side Reports.

About 1909, The Geo. T. Bisel Company published a pamphlet giving a list of Reports of Pennsylvania. The Bisel list of 1909 showed about 60 side reports comprising about 286 volumes. During the ten years which have since elapsed, six new journals have sprung up. Counting old journals which have died, and the current ones, the reports which may be called "Side Reports" number now sixty-six, and the volumes 413.

The six new ones are as follows:

Municipal Law Reporter—Begun in 1909—Published at Hanover. Current in Volume 10.
Westmoreland Law Journal—Begun in 1911—Published at Greensburg. Current in Volume 8.

Pennsylvania Corporation Reporter—Begun in 1914—Published at Harrisburg. Current in Volume 7.

Northumberland Legal Journal—Begun in 1915—Published at Shamokin. Current in Volume 4.

Cambria County Legal Journal—Begun in 1917—Published at Ebensburg. Current in Volume 4.

Erie Co. Law Journal—Begun March 7, 1919—Published at Erie. Current in Volume 1.

The Municipal Law Reporter is an annual. It contains the decisions of courts and of commissions relative to matters concerning cities, boroughs, and considerable miscellaneous matter respecting municipal affairs, proceedings of boroughs, conventions, legislation, etc., etc.

The Pennsylvania Corporation Reporter contains Judicial Opinions of the Appellate and County Courts, Opinions of the Attorney General, General Orders, Rulings, Rules of Practice, etc., etc.; also Index and Annotations to the Public Service Company Law. These two Reporters are general, for the entire State; the other new ones are local, county reports.

Besides these, though not as Side Reports, may be mentioned the Department Reports of Pennsylvania, giving the Opinions, Rulings and Decisions of the Executive Departments, Boards, Commissions, Attorney General, etc. This publication began January 14, 1915, and is now current in volume 5. It is not an official publication, but it is reliable. No index, I believe has been made.

The Justices' Law Reporter has not been included, owing to its suspension during the War. Sixteen volumes had been published.

The computation excludes The University of Pennsylvania Law Review and the Dickinson Law Review. These have no place in the Side Reports, as they are College or University publications.

The journals which furnish a bound volume without extra charge are:

The Pennsylvania District Reports, The Pennsylvania County Court Reports, The Pennsylvania Corporation Reporter, The Municipal Law Reporter and The Pittsburgh Legal Journal.

CURRENT VOLUMES

The current journals are:

Vols:	Name	Pub.	Period	Yearly Subn.
11.	Berks County Law Journal	Reading	1908 date	\$4.00
47.	Pennsylvania County Court Reports	Philadelphia	1888 per vol.	5.00

4.	Cambria County Legal Journal	Ebensburg	1917	yearly	3.00
21.	Dauphin County Reports	Harrisburg	1897	yearly	5.00
15.	Delaware County Reports	Chester	1884	yearly	1.50
1.	Erie County Law Journal	Erie	1919	yearly	6.00
28.	Pennsylvania District Reports	Philadelphia	1892	yearly	5.00
7.	Pennsylvania Corporation Reporter	Harrisburg	1914	per vol.	6.00
20.	Lackawanna Jurist	Scranton	1888	yearly	3.00
36.	Lancaster Law Review	Lancaster	1883	yearly	3.00
8.	Lehigh County Law Journal	Allentown	1904	yearly	2.00
20.	Luzerne Legal Register Reports	Wilkes-Barre	1882	yearly	3.00
35.	Montgomery County Law Reporter	Norristown	1884	yearly	2.00
10.	Municipal Law Reporter	Hanover	1909	yearly	3.50
17.	Northampton County Reporter	Easton	1889	yearly	2.00
4.	Northumberland Legal Journal	Shamokin	1915	yearly	3.00
67.	Pittsburgh Legal Journal	Pittsburgh	1854	yearly	6.00
15.	Schuylkill Legal Record	Tamaqua	1882	per vol.	5.00
8.	Westmoreland Law Journal	Greensburg	1911	yearly	3.00
33.	York Legal Record	York	1881	yearly	3.00

In the *Anthracite Coal Regions* of Eastern Pennsylvania we have

At Wilkes-Barre the Luzerne Legal Register Reports;
 At Scranton, The Lackawanna Jurist;
 At Easton, The Northampton County Reporter;
 At Allentown, The Lehigh County Law Journal;
 At Reading, The Berks County Law Journal;
 At Tamaqua, The Schuylkill Legal Record.

In the *Bituminous Coal Region*:

At Greensburg is the Westmoreland Law Journal.

In the *Great Farming Counties*, we have

At Norristown, The Montgomery County Law Reporter;
 At Lancaster, The Lancaster Law Review;
 At Chester, The Delaware County Reports, apt to be known in its weekly numbers as The Weekly Reporter;
 At York, The York Legal Record.

The *Lake Region* is represented at Erie by The Erie County Law Journal.

In the *Lumber Region* is the Cambria County Legal Journal, at Ebensburg, also a soft coal region; although the issues of this journal are chiefly sheets of legal notices.

At the *Capital, Harrisburg*, is the Dauphin County Reports while at the *Great Centres of Pittsburgh and Philadelphia* are The Pittsburgh Legal Journal, The Pennsylvania District Reports and The Pennsylvania County Court Reports.

It cannot be said of these journals that they have features strongly characteristic of their respective localities.

Thus the reports from the farming countries are not made up of agricultural cases, nor those from the mining districts of cases respecting mining law. On the contrary, the cases in the various journals have about the same general, miscellaneous character. Nevertheless, a case arising in a lumber district would be likely to appear in the journal of that district; a shipping case in a journal of Philadelphia, Pittsburgh, Chester or Erie. Comm. ex. rel. Williams vs. Knight

Coal Co., 6 Kulp 241 (1891), sustains the law forbidding breakers within 200 feet of the mouth of the mine. The opinion is valuable for its clear and vigorous reasoning protecting miners. On the other hand, the mine owners have a protection in *Rockabellow vs. Hanover Coal Co.*, 6 Kulp 507, upholding covenants as to methods of mining. Another instance of the effect of locality may be given from the Delaware County Reports. This journal, published at Chester on the Delaware in a district—containing, like Philadelphia, great shipping and war munitions plants, shows questions which have arisen as a result. One embarrassment of the smaller communities during the recent war was the great and sudden increase of the industrial population and works. The school authorities, especially, found themselves doubly embarrassed. The Government properties were exempt from taxation, yet the school population was greatly increased by reason of the government work. For this and other reasons, it may be of interest to mention the recent decision soon to be reported in the Delaware County Reports, in which taxation of the machinery in the Remington Arms Company at Eddystone, for school purposes, is determined. [*Midvale Steel & Ordnance Co. & Eddystone Borough District*, 15 Weekly Reporter 93.]

It should be repeated, nevertheless, that the cases peculiar to the locality are not sufficient in number to give a peculiar tone to any of the journals. Thus one of the very journals just mentioned, the Luzerne Legal Register—contains notable cases quite distinct from cases on mining law, as *Comm. vs. Higgins*, in 1889, 5 Kulp 269. This reports Judge Rice's opinion on the right of an expert witness to demand an expert's fee—cited as on one side of the controversy in *Wigmore on Evidence*, volume 3, page 2989. The Coroner's power as a judicial officer in such a case is ably vindicated. As was expressed in England in the Chancery Division in 1891, "Human affairs are wonderfully like a Kaleidoscope, with its combinations of colors constantly changing"—*Kay, J., Coventry's Case* (1890), L. R. 1 C. D. (1891), page 207. All such myriad of cases pass through the various county courts of Pennsylvania, and it cannot be said of any of them that any distinctive features stand out as dominating the general view, although, of course, where there is no business of a certain class there will scarcely be cases arising belonging to that class.

The great majority of the present reports are annuals. In the case of four journals, however, volumes hitherto have been made up in something like two-year periods. These are *The Delaware County Reports*, *The Lehigh County Law Journal*, *The Luzerne Legal Register Reports*, and *The Northampton County Reporter*. It is likely that one of the new law journals will take several years to make up a volume, and perhaps this may be so hereafter as to the well conducted *Lancaster Law Review*. *The Pennsylvania County Court Reports* makes up a volume in somewhat less than a year.

These local, county law journals, speaking of them as a class, serve several purposes. They report the decisions of their respective counties or judicial districts, amendments, if any, to Rules of Court, and proceedings of bar meetings. Biographical sketches of some eminent judges or practitioners are sometimes published, and historical matter of interest to the legal profession at infrequent intervals. The "*Pennsylvania County Court Reports*" is restricted to reports of decisions and legal opinions. The county law journals serve, too, as a means of legal advertisements of accounts, sales, etc., etc. Many Rules of Court direct

that legal advertisements shall be published for a prescribed number of times in the local law journal. Usually some enactment of the legislature has authorized the Court to adopt such a provision, although in the case of *McGreevy vs. Kulp*, 126 Pa. 97, the court expressed the opinion that a general authority granted to a court to regulate the business coming before it includes the authority to require legal advertisement in a county law journal, should any be published. In Pennsylvania, this policy has been an essential means of insuring the reporting of carefully considered opinions throughout the State. This has been an important aid in the promotion of uniformity and harmony in the decisions, and additional stimulus to care in writing opinions. Its indirect value to the jurisprudence of the State cannot be overestimated.

In Philadelphia there are published two law journals, besides the University of Pennsylvania monthly. The two weeklies are *The Pennsylvania County Court Reports* and *The Legal Intelligencer*. The *Legal Intelligencer* is published in newspaper form on Fridays, and on the following Tuesdays it is published in magazine form under the name, *The Pennsylvania District Reports*. Speaking now of the weekly issues of this journal, the matter in the Friday issue and in the Tuesday issue is identically the same, word for word. The Tuesday publication is the more suitable for mailing, and in the Magazine or Tuesday form it circulates throughout the State. At the close of the year, those subscribers who so desire may bind up their weekly copies, and thus preserve in permanent shape the matters of legal news, reports of bar meetings, biographical sketches, advertisements, etc., etc. The publishers issue bound volumes each year of the *Pennsylvania District Reports*, and in these they discard the news matter, advertisements, etc., and confine the matter to reports of decisions.

Both the *District Reports* and the *Pennsylvania County Court Reports* select their opinions from the State at large, and I believe that the great body of the important decisions of general importance is to be found in these two journals.

The *County Court Reports* confines itself to reports of opinions and decisions. It is not a legal newspaper like the *District Reports*.

The editor of the *Pennsylvania County Court Reports* in reply to a request, has been kind enough to write as follows:

"During my editorship of the *County Court Reports* I have tried as much as possible to publish cases of a class that did not reach the appellate courts, but were all the same of general public interest. I have sought for practice cases, borough cases, matters relating to justices of the Peace, divorce cases, etc. Indeed one cannot make an adequate book on the law of divorce in Pennsylvania without drawing heavily from the *County Court Reports*. It is this selection of cases that has made the series of bound volumes a valuable one for the profession. Much can be found in the *County Court Reports* that cannot be found elsewhere."

"I have also tried to publish all cases involving construction of new Acts of Assembly. This, of course, does not add to the value of the permanent reports, but it is a valuable feature because an Act of Assembly is sometimes construed by half a dozen of the lower courts throughout the State before it reaches the appellate court. The publication of these lower court cases is useful as giving material upon which ultimately a sound construction of the act may be based."

The features thus outlined characterize also the *District Reports*, and the

legal profession of Pennsylvania is most fortunate in having two such ably conducted law journals of general interest throughout the State.

From time to time, opinions are reported which are of interest beyond the State, either because of the novelty and importance of the matter or because of the presentation of old principles in an especially clear manner. This has always been so, as is shown in the article published in 1909 in the Law Library Journal, on the Pennsylvania Side Reports.

In Philadelphia to use *vs. Brown*, 28 D. R. 1, the explanation by Judge Wessel as to when a public improvement shall be considered a general one for which there can be no assessment on abutting owners, and when an improvement is of especial benefit to abutters for which the owners can be assessed, is uncommonly clear and satisfactory.

Smith vs. General Crushed Stone Co., 28 D. R. 45, presents a full and able study respecting the phrase "arising out of employment," used in the great majority of the American Workmen's Compensation statutes, and the phrase "in the cause of employment," used in the Pennsylvania and in a few other American statutes.

Davis vs. Detwiller, 28 D. R. 113, is an opinion of much value respecting the validity of the sale of the real estate of a party in the Service. The opinion is important for its definition of civil process.

Newton's Estate 28 D. R. 183, concerns the apportionment of the Federal Estate Tax between pecuniary and residuary legatees. The opinions filed were thorough and of historical interest, and they certainly place the matter in complete form for the appellate court.

The lengthy abstract of Judge Gest's opinion in *McCall's Estate*, 28 D. R. 433, in June, gives a legal and historical review of the law covering the distribution of funds received by the United States pursuant to awards of international commissions. His review is of great interest and value.

The local journals throughout the State are ably conducted, and the names of many of them are well known to the legal profession beyond the State lines. It is probable that most of the decisions of general interest to the entire State appear also in either the District or in the County Court Reports.

A count was made of the cases reported in the Pa. District Reports for the ten or eleven years 1900-1911. About 5100 cases were reported. Only about 440 of the 5100 were taken to the higher court, and of these the ones affirmed numbered 312, while 105 were reversed. It is a fair supposition as to the 3700 cases not appealed, that almost all would have been affirmed had counsel carried them up to the higher court. Of the whole number of cases, appealed and unappealed, the reversals numbered only about 2%.

The appeals listed in the 1917 D. R., as affirmed numbered 244, and those listed as reversed numbered 62. The whole number of cases appealed and unappealed being much greater.

The 1918 appealed list showed 282 affirmances and 83 reversals.

There has been a great amount of legislation in recent years in Pennsylvania. These new laws represent new lines of thought on social and other conditions, and the struggle between the conservative and the progressive is represented not only in the laws but in the judicial opinions. Where there have been reversals, a great proportion are in cases construing these new laws. It may

be stated with confidence that the studies of these new enactments by the local courts—while showing, it may be, the conflicting views prevalent—exhibit a flood of light of untold value in the making of the final decisions by the Appellate Court. The decisions on laws 1911 down, in the 1917 District Reports numbered 129, and in the 1918 volume 217. Of the reversals listed in the 1918 District Reports, about 40% were in cases construing new legislation, attesting the struggles between the old and the new.

The County Judges of Pennsylvania hold their offices for ten years, and frequently the position is held in fact for life. This is especially so in Philadelphia. The State has the invaluable fortune to possess an experienced as well as able local judiciary.

The names of many stand high, and some are of national repute. Of the living, one would not now speak, but they may have the assurance that they enjoy the confidence and the respect of the bar, and of the communities where they serve. Of those who have gone before, the mention of some is by way of illustration, for others equally high have no mention here. Blessed is the State that has possessed among her county judges men like Sharswood, the beloved professor at the University, the learned editor of Blackstone, the acute and able leader in commercial law, noted too, for his charges to juries; like Hare, whose works on Constitutional law and on contracts class him as a jurist of high rank; like King, father of Equity Jurisprudence in Pennsylvania, celebrated too for his decisions in criminal law and in divorce; like Penrose, who with Hanna, Ashman, Ferguson built up in large part the system of administration of the law of decedents' estates and of testamentary trusts in Pennsylvania; like Hawkins, of Pittsburgh, a worthy compeer of these worthy Philadelphians; like Pearson, whose work in Commonwealth cases at the State Capitol gave him lasting fame; like Mitchell, whose delight it was to display the origin, course and limits of legal principles—a Stanley on the bench, tracing the Congoes of jurisprudence; like Rice, who had the aviator's view of the fields of the law, and who pictured them in a way that all could understand, and whose explanations of mining law in cases before him won him notable regard which the beauty of his character increased; like Green, Woodward, Butler, Addison, Scott, Sterrett; and like these who are named, have been and are yet an illustrious company of wise and learned judges. Some were advanced to the highest court, some remained on the local bench, and the work of them all has dignified and made strong the jurisprudence of the commonwealth. It is not the strength that is carved in immovable marble, with eyes that see not, nor ears that hear not. The law and the judicial bench with the law, vibrate with the progress of a citizenship striving more and more to afford opportunity and well-being to each individual; and the Side Reports are the telephones, the wireless, that radiate through all the counties the knowledge each enjoys. Such is the local bench of Pennsylvania, and such are the Side Reports.

Much remains unsaid of the Pennsylvania Side Reports. Some one may write of the old journals in detail, following the curious changes of name, the rival struggles for existence here and there, oddities in the way of numbers, little features that have not marred the value of the series. Some one may review the growth of phrases of the law, as shown in the county law journals—of equity, of criminal law, of the law of trusts and of decedents' estates. Some may review

the historical and biographical accounts in many of these journals. Written with skill in understanding, and with interest and ease in composition, such papers would adorn the pages of *The Law Library Journal*.

Respectfully submitted,

LUTHER E. HEWITT.

Cape May, July, 1919.

NOTE—RULES OF COURT

"Every Court of record has inherent power, independently of any statute, to make rules for the transaction of its business, provided such rules do not contravene the laws of the land."

2 Bacon's Abr. Phila. 1843, page 826; Citing *Barry v. Randolph*, 3 Binn. 277; *Fullerton v. Bank of U. S.*, 1 Pet. 404; *DuBois v. Turner*, 4 Yea. 361; *Boas v. Nagle*, 3 S. & R. 253; *Risher v. Thomas*, 2 Miss. 98; *Reist v. Helbrenner*, 11 S. & R. 131; *Dewey v. Humphrey*, 5 Pet. 187.

And see also *Snyder v. Bauchman*, 8 S. & R. 336 (1822); *Ganno v. Fritz* 79 Pa. 303 (1875); *Mylin's Estate*, 7 Watts (Pa.) 64 (1838); *Vanatta v. Anderson*, 3 Binn. 417 (1811); *Kuhn v. Kinterbock*, 6 Whart. 166 (1840).

By the Act of 16th. June 1836, relative to the jurisdiction and power of the court, it is provided, Sec. 21, that "each of the said courts shall have full power and authority to establish such rules for regulating the practice thereof respectively, and for expediting the determination of suits, causes, and proceedings, therein, as in their discretion they shall judge necessary and proper. Provided that such rules shall not be inconsistent with the constitution and laws of this commonwealth."

Under this Act it was held in *Venango County v. Durban*, 3 Grant (Pa.) 66, (1856), that the Court of Common Pleas has power to establish a rule requiring the publication of the trial list in a newspaper, and the county is obliged to pay the expenses thereof.

And in *McGreevy v. Kulp*, 126 Pa. 97 (1889), the Pa. Act of Feb. 12, 1863, P. L. 28, giving power to the Luzerne County Orphans' Court to designate by general rule, a paper for the publication of legal notice, was sustained, and it was plainly intimated that such a rule would be valid without the Act as a part of the inherent power of the Court—Court below reciting at page 101, many instances of rules held valid.

In *Holcomb v. Reporter-Journal Publishing Co.*, 3 Atl. (Pa.) 243, in 1886, it was held that the rule of court of Bradford County designating a certain journal as the paper in which all notices relating to judicial proceedings were to be printed, could not be attached by a private citizen who had not sustained an injury greater than that of the public generally; and that a rival newspaper could not claim that the rule was void.

The Pa. Act of June 14, 1836, P. L. 630, in Section 9, respecting accounts of trustees for creditors, etc., authorizes the Common Pleas Court to direct publication of notices in such newspapers as they shall appoint.

The Act of February 12, 1863, P. L. 28, authorizes the Courts of Luzerne County to designate one weekly legal publication for the publication of legal notices.

The Pa. Act of March 18, 1875, authorizes the Orphans' Courts to establish rules for the publication of advertisements.

By Act of May 3, 1909, P. L. 386 the legislature directed that publication of legal notices of corporations, joint stock companies, limited partnerships and partnerships associations should be published in the legal journal, if any, of the proper county in which court notices usually appear. The reason stated in the Act was the obvious one of avoiding confusion arising from the fact that otherwise there would be no designated paper in the county where such notices would surely be found. On the same day, P. L. 424, it was enacted that legal notices in counties of more than 500,000 pop., when required by law or rule of court to be published in newspapers of general circulation, unless dispensed with by special order of the court should be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for such notices. Some exception is made as to certain public matters. This later Act was extended by Act of April 5, 1917, P. L. 49, to counties having a pop., of 150,000 or more.

Similar rule exists in the Rule of the Supreme Court of the District of Columbia adopted May 10, 1876, requiring legal advertisement to be published in the Washington Law Reporter. This is based probably on the Act of Congress of March 3, 1863, ch. 91 (sec. 6) 12 St. at Large, page 763, authorizing the Supreme Court of the District to adopt rules for regulating the practice of the Court.

So too the Rules of the District Court of the U. S., for the Eastern District of Pa., require publication in The Legal Intelligencer of intended distribution by the marshal.

The Federal Court in the Western District made a rule of similar nature.

In New York City, the New York Law Journal is appointed as a means of advertisement of legal notices.

PENNSYLVANIA SIDE REPORTS

Mr. Cyrus M. Dixon of The Geo. T. Bisel Company of Philadelphia, has made a bibliography of the side reports of Pennsylvania, from the beginning to-date. He was kind enough, at the Asbury Park Conference, of this year, to offer his list for The Law Library Journal. This offer was accepted, and his list is as follows:

American Law Register ²	1852-1919	66 Volumes
(Current in volume 67)		
Ashmead's Reports ³	1808-1844	2 Volumes
Berks County Law Journal	1908-1919	10 Volumes
Blair County Law Reporter ⁴	1901-1903	2 Volumes
Brewster's Reports ⁵	1856-1871	4 Volumes
Brightly's Nisi Prius Rpts. ⁶	1809-1851	1 Volume
Browne's Reports ⁷	1806-1814	2 Vols. in 1
Cambria County Law Journal ⁸	1918-1919	2 Volumes
Campbell's Legal Gazette Rpts. ⁹	1869-1871	1 Volume

Chester County Reports ⁹	1883-1885	2 Volumes
Clark's (Pa. Law Jr.) Rpts. ¹⁰	1842-1852	5 Volumes
Common Pleas Reporter ¹¹	1879-1887	4 Volumes
County Court Reports	1886-1918	46 Volumes
Corporation Reporter	1914-1918	6 Volumes
Dauphin County Reports ^{11A}	1898-1918	20 Volumes
Delaware County Reports	1881-1918	14 Volumes
District Reports ²⁰	1892-1918	27 Volumes
Docket, The ¹²	1879-1898	1 Volume
Erie County Law Journal	1919	1 Volume
Fisher's Prize Cases ¹³	1813	1 Volume
Foster's Legal Chronicle ¹⁴	1873-1875	3 Volumes
Hall's American Law Journal ¹⁵	1808-1817	6 Volumes
Hazard's Pa. Register ¹⁶	1828-1836	16 Volumes
Hopkinson's Judgments in Adm. ¹⁷	1789	1 Volume
Journal of the Law ¹⁸	1830-1831	1 Volume
Justice of the Peace ¹⁹	1899-1903	7 Volumes
Justice's Law Reporter ²⁰	1902-1918	16 Volumes
Kulp's Luz. Legal Register Rpts. ²¹	1881-1918	19 Volumes
Lackawanna Bar ²²	1878	1 Volume
Lackawanna Bar Reports ²³	1906	2 Numbers
Lackawanna Jurist ²⁴	1888-1918	19 Volumes
Lackawanna Legal News ²⁵	1895-1903	8 Volumes
Lackawanna Legal Record ²⁶	1879	1 Volume
Lancaster Bar ²⁷	1869-1883	15 Volumes
Lancaster Law Review ²⁸	1884-1918	35 Volumes
Legal Gazette ²⁹	1869-1876	8 Volumes
Legal Intelligencer ³⁰	1843-1918	75 Volumes
Legal and Insurance Reports ³¹	1859-1867	9 Volumes
Legal Opinion ³²	1870-1873	5 Volumes
Legal Rec. Rpts. (Schuylkill Co.) ³³	1882-1918	15 Volumes
Lehigh Co. Law Journal ³⁴	1904-1919	7 Volumes
Lehigh Valley Reporter ³⁵	1885-1887	2 Vols. in 1
Luzerne Law Times, O. S. ³⁶	1873-1878	6 Vols. in 1
Luzerne Law Times, N. S. ³⁷	1879-1885	7 Vols. in 1
Luzerne Law Journal ³⁸	1871	1 Number
Luzerne Legal Observer ³⁹	1860-1864	4 Volumes
Luzerne Legal Register ⁴⁰	1872-1886	14 Volumes
Magistrate and Constable ⁴¹	1895	1 Volume
Miles' Reports ⁴²	1835-1840	2 Volumes
Montgomery County Reporter	1885-1918	34 Volumes
Northampton County Reporter	1889-1918	17 Volumes
Northumberland Co. Legal News	1888-1889	1 Volume
Northumberland Legal Journal	1917	3 Volumes
Parson's Select Equity Cases ⁴³	1841-1851	2 Volumes
Pearson's Reports ⁴⁴	1850-1880	2 Volumes
Pennypacker's Colonial Cases ⁴⁵	1682-1700	1 Volume
Pennsylvania Law Magazine ⁴⁶	1843-1846	6 Volumes
Pennsylvania Law Record ⁴⁷	1879-1880	3 Volumes
Pennsylvania Law Record ⁴⁸	1898-1901	4 Volumes
Pennsylvania Law Series ⁴⁹	1894-1896	3 Volumes
Philadelphia Reports ⁵⁰	1850-1891	20 Volumes
Pittsburgh Reports ⁵¹	1853-1873	3 Volumes
Pittsburgh Legal Journal ⁵²	1853-1919	66 Volumes
Sadler's Reports ⁵³	1885-1889 & Dig.	11 Volumes
Susquehanna Legal Chronicle ⁵⁴	1878-1879	1 Volume
Vaux's Recorders' Decisions ⁵⁵	1841-1846	1 Volume
Weekly Notes of Cases ⁵⁶	1874-1899	44 Volumes
W. N. C. Index Digest (Budd's)	1899	1 Volume
Westmoreland Co. Law Journal	1901-1918	7 Volumes
Woodward's Decisions ⁵⁷	1861-1881	2 Volumes
Wilcox's Reports ⁵⁸	1888-1889	1 Volume
York Legal Record	1880-1918	30 Volumes

Some explanation of this list so kindly furnished by Mr. Dixon will be of advantage.

1. Addison's Reports may be added to his list. Mr. Dixon evidently prefers to class the book with the State reports. The importance of the volume, containing as it does four decisions by the High Court of Errors—the highest court of Pennsylvania at the time—and the singular ability of Judge Addison, justifies this classification; but the book cannot be omitted in a review of the Side Reports. See the volume briefly described in 6 Law Library Journal, at page 6.
2. The University of Pennsylvania Law Review and American Law Register is a University publication devoted to articles, to comments on cases, and book reviews. It is not a reporter, although it has had some cases, and sometimes with annotations or review.
3. Ashmead—See 6 Law Library Journal, at page 11.
4. Blair County Law Reporter. Vol. 2, covering 1901-1903, was published at Altoona, Pa., in 58 numbers, the last being dated June 12, 1903. Vol. 1 was published at Philadelphia in 1915, in bound volume form, and covers February 2, 1898, to July 9, 1901. Of the 142 cases reported in vol. 2, 97 at least were reported in vol. 4 of "The Pennsylvania Record" of 1898-1901. The library of The Law Association of Philadelphia does not possess an entirely complete set of The Pennsylvania Record, and the precise figure was not ascertained.
5. Brewster—See 6 Law Library Journal, at page 17.
6. Brightly—See 6 Law Library Journal, at page 16.
7. Browne's Reports—See 6 Law Library Journal, at page 11.
- 7a. Cambria County Legal Journal. In volume 2, the numbering 47, was skipped inadvertently. The publication is a weekly. No. 46 is dated December 13, 1918. No. 48 is the next issue, dated December 20, 1918. No. 52 of vol. 2 is dated January 17, 1918. No. 1 of vol. 3 is numbered as vol. 2, a mistake. Vol. 3 runs on for 18 numbers, ending with the issue of May 23, 1919. Vol. 4 begins with the issue of May 30, 1919, and instead of this issue being numbered 1, it is numbered 19. However, the journal is chiefly a medium for advertisements. The cases reported are few, and they are far between, although as the journal is a current one this may change.
8. Campbell's Legal Gazette Reports. The cases in this volume were reported originally in The Legal Gazette. The preface to Campbell shows that a series of volumes was contemplated, but one only was published. With the exception of a very few, the cases were reported exclusively in the Gazette and afterwards in Campbell.
9. The Chester County Reporter was published at West Chester. The first number issued in April, 1880. See Martin's Bench and Bar, page 200.
10. Clark: See 6 Law Library Journal, at page 13.
11. "The Common Pleas Reporter" was designed to take the place of "The Lackawanna Legal Record." It was originally, at least, a weekly. The first issue was published on October 3, 1879. Volume 2 was published in 1885, vol. 3, in 1885-1886, and vol. 4 in 1888. Wilcox's Reports was issued originally in weekly parts as the Common Pleas Reporter, 1888-9. It thus forms vol. 5 of "The Common Pleas Reporter," although it is called "Wilcox's Reports." See post, note 40.
- 11a. The temporary outside front sheet of the weekly issue bears the name, the Dauphin County Reporter.
12. The Docket was published in monthly numbers. Vol. 1 contained twelve numbers, May 1897—April 1898, 192 pages. Vol. 2 ran for five numbers, July 1898—November 1898, 80 pages. The Law Association library has no record of any further issue, although the last number contained no valedictory. This journal was intended for magistrates, justices of the peace, and attorneys interested in decisions in appeals from justices of the Peace, or in matters concerning local officials. Some news matter along similar lines is contained in the journal. The volume contains some 42 county court decisions, besides nine Superior Court decisions which are reported in the official Superior Court Reports.
13. This is the volume of 91 pages called Fisher's British License Cases, in Martin's Bench and Bar of Philadelphia. It contains three prize cases in the District Court of the United States for the Pennsylvania District, and one in the District Court of Massachusetts, and a note respecting the case of the Aurora, in the District Court of Rhode Island. The cases were relative to the employment of British Licenses on board or vessels of the United States. The volume was published by Redwood Fisher at Philadelphia in 1813, and it is stated in Martin that it was reprinted by Bourquin & Welsh in 1871. The collector of these cases, Redwood Fisher, was not himself a member of the bar, but was a man of liberal education. He frequently acted as supercargo, and had extensive experience on the sea and in shipping matters, having been carried into Copenhagen at one time by a French privateer. He was a notable character of Philadelphia and New York. The cases reported are of course in "Federal Cases."
14. Foster's Legal Chronicle takes its cases from a number of the judicial districts of the State. The cases were reported originally in the Legal Chronicle and Mining Reporter from January 11, 1873 to August, 1875. By Sol Foster, Jr. A second edition was published. The Supreme Court cases in volume 1 number 39, in volume 2 they number 58, and in vol. 3 they number 4.
15. Hall's American Law Journal. See 6 Law Library Journal, page 9.
16. Hazard's Register of Pennsylvania was devoted to the presentation of facts and documents and other kind of useful information respecting the State of Pennsylvania. It was established Jan. 5th, 1828, and was continued until Dec. 26, 1835. It contains matter of value to the historian. Mr. Hazard in-

cluded rather a considerable number of judicial decisions in his series. Some of these were by a Federal Court, some by the Pennsylvania Supreme Court, some by county Courts, and others by justices of the peace, mayor's court, etc. The reports are sometimes quite full, and some are summarized. Hazard is rarely cited in these days, but any library possessing the volumes will possess a valuable repository of historical and other matter of general interest.

Hazard's United States Commercial and Statistical Register—July 1839 to July 1842, vols. 1-6, Phila. 1840-1842—may be mentioned among Pennsylvania reports for the sake of greater completeness. It contains, among a collection of general and commercial information, some law cases, Federal, Pennsylvania, and other, besides some matter of interest to the legal profession.

17. Hopkinson. See 6 Law Library Journal, page 6.

18. Journal of the Law. This contains 384 pages, besides title page and index, and comprises 24 numbers, July 7, 1830—June 22, 1831. It contains a few cases, among them Corporation vs. Wallace, respecting a sale by the sheriff of a part of mortgaged premises, reported also in 3 Rawle, page 109. The Journal contains also a number of articles, the chief of which are those on Commercial Law, Masters of Ships and Common Carriers, Insurance. The Journal was not intended exclusively for the legal profession, and the articles are in popular scope and style.

19. Justices of the Peace. This was published monthly, at Strasburg, Lancaster County. Its subscription price was fifty cents per annum. Vol. 1 has 144 pages; vol. 2, 152; vol. 3, 144; vol. 4, 144; vol. 5, 144; vol. 6, 146; vol. 7-8, 132 pages. Vol. 1 issued December 1890. The final number appears to be that of October 1907. On the first page of that number it is stated that "The Journal began December, 1890, and the numbers not yet published are April, May, June, July, August, September, October, November and December, 1906, and January, February, March, April and May 1907. As fast as any of the back numbers are sent out the above list will appear diminished according." The volumes are indexed excepting that none is found in the library copy of vol. 7-8. Those at the library of the Law Association of Philadelphia, are without title pages, with the exception of vol. 4, which reads: "The Justice of the Peace The Laws and Practice within the Jurisdiction of Aldermen and Justices of the Peace. The Laws Relating to Conveyancing, General Business, County, Borough and Township Officers, etc. By John G. Homsher." The catalogue at the library mentioned has inscribed upon the proper card the words, "A Journal devoted to the calling of Justices and Scriveners, etc." which indicates the existence of title pages in some form, perhaps covers to monthly issues. Vol. 6, in the number for Dec. 1904-Jan. 1905, contains the address entitled: The Several Modes of Instituting Criminal Proceedings in

Pennsylvania, by John C. Bell, Esq., District Attorney of Pennsylvania. This valuable article takes up 22 pages in the periodical. It is an address delivered before The Law Academy of Philadelphia, May 27, 1904, and was published in pamphlet form by the Academy. This little journal was an excellent one in its own field. It reported some cases in regular form and others more in news form. It contained some convenient forms. The final number appears to have been the one of October, 1907, in which number, at page 121, we read: "Starting with the June number 1907 the Justice of the Peace will be issued regularly each month hereafter." The pages at the Library of The Law Association of Philadelphia of volume 7 are 1-48; of volume 8, 73-132. The publisher sent a printed notice reading: "See Notice to Subscribers on page 78 [misprint for 73], explaining why there is a break in paging after page 48. The numbers there promised were never issued."

20. Justices' Law Reporter—full title, Pennsylvania Justices' Law Reporter—Containing Cases Decided in the Courts of the Several Counties of Pennsylvania, Affecting Justices of the Peace, Aldermen, Magistrates, Burgesses and All Other County and Township Officials. This excellent publication was suspended during the war. Sixteen volumes issued in monthly numbers, but the publishers furnished a bound volume at the end of the year. The temporary numbers were dated at Norristown, although the title page to some of the bound volumes names Lansdale as the place of publication. Volume 15 names Reynoldsville, and vol. 16, Harrisburg. The bound volumes generally have some forms, fee bills, etc., in appendices.

21. Kulp's Luzerne Legal Register Reports. This journal is now current in volume 20. Vols. i-xi. The Luzerne Legal Register, Kulp and The Luzerne Legal Register Reports are best explained together.

On January 25, 1872 there was begun the publication of Luzerne Legal Register, under the proprietorship of George B. Kulp. The publication continued under that name through fourteen volumes, ending with No. 68 of vol. 14, April 16, 1886. Volumes 9 and 10 of this serial are in 1 Kulp, called also Luzerne Legal Register Reports; volumes 11 and 12 are in 2 Kulp; and volumes 13 and 14 are in 3 Kulp, with different paging. The Luzerne Legal Register was a weekly, and besides judicial decisions it contained biographical matter, as of Mr. Justice Warren I. Woodward, in vol. 8, at page 241-260.

In 1882, Mr. Kulp issued vol. 1 of The Luzerne Legal Register Reports, otherwise known as 1 Kulp. The series is current in volume 20, Luzerne Legal Register Reports; but the name, Kulp, ceased with volume eleven, for on December 25, 1903, Mr. Kulp severed his connection with it. With the next volume, twelve, The Wilkes-Barre Law and Library Association took up the publication, and vols. 12-19 were edited by Joseph D. Coons and W. E. Woodruff. The current volume, 20, is edited by Mr. Coons. The

volumes as published by Mr. Kulp were often cited by his name, but in view of the changes in editorship it is wiser to cite them as Luzerne Legal Register Reports. The addition of the word "Reports" distinguishes them from the fourteen volumes of the original series, 1882-1886.

22. The Lackawanna Bar was a weekly legal paper, E. Merrifield, Esq., Editor, published August 31, 1878 to October 26, 1878, incl., 9 numbers, 117 pages. Its cases are all reported elsewhere, to-wit: *Bletz v. Columbia Nat. Bank* (in No. 5), 87 Pa. 87; *Ryud v. Blakewell*, (p. 100), 87 Pa. 460; *Simons v. Van Ingen* (p. 112), 86 Pa. 330; *Gibbs v. Benjamin* (p. 4), better reported in 45 Vt. 124; *State v. Carroll* (p. 30), 38 Conn. 449; *Mott v. Consumers Ice Co.*, 73 N. Y. 543; *Howell v. Lane* (p. 98)—Also in *California Legal Record*, 53 Cal. 213 (under the name *Howell v. Lane*; *Carmalt v. Stanley* (p. 16), also in 3 Clark (Pa.) 389, in the *Susquehanna Common Pleas*; *Dowd's Estate* (p. 45), in the *Luzerne C. P.*, reported also in 1 Luz. Leg. Obs. 372; *Carbondale Twp. v. Bonner et al.* (p. 67), also in 5 Kulp 381; *Price et al. v. School Controllers of Scranton*, (p. 47), also in 26 Pitts. Leg. J. 31; *Commonwealth v. Bard* (p. 79), also in 10 Lanc. Bar 75; *City of Harrisburg v. Orth* (p. 95), also in 6 Weekly Notes of Cases 121. A few other cases are mentioned; as *Brady v. Reed*, at page 46, reported in 87 Pa. St. 111 (*Competency of Parties as Witnesses*). Number 9 is the last known to the library. It has at its head: "Solamen miseris, socios, habuisse doloris—sic (k) Kulpie, tumuchee Lackawanni countibus."

23. Lackawanna Bar Reports. A Law Journal published weekly under the supervision, and for the benefit of the Lackawanna Law and Library Association. Edited by Geo. D. Taylor, Esq., Scranton. 1906-7, No. 1, Dec. 21, 1906; No. 2, Jan. 4, 1907—two numbers.

24. Lackawanna Jurist ran on for 3 volumes, 1888 (Dec. 14)—1895. It was resumed in vol. 4, the first number of which issued on January 23, 1903. It has since continued, and is current in vol. 20. Sandwiched in between vol. 3, 1895, and vol. 4, 1903, is the *Lackawanna Legal News*, Feb. 1, 1895—Feb. 1, 1903. The explanation of this is in the Rules of the Lackawanna County Courts respecting legal notices. The Rule of January 21, 1880, required these to be published in the *Lackawanna Jurist*. In January, 1895, the Rules named the *Lackawanna Legal News* instead of the *Lackawanna Jurist* as the medium of publication of the legal notices. On January 31, 1903, the 1895 Rules were revoked in this respect and the *Lackawanna Jurist* was again made the medium. This action was no doubt known in advance, as the initial number of vol. 4 of the *Lackawanna Jurist* issued eight days before, although it was inadvertently designated vol. 1, a mistake which was pointed out on page 5 of vol. 4, *Lackawanna Jurist*.

25. See note 24, as to the *Lackawanna Legal News*.

26. The *Lackawanna Legal Record* consists

of one volume, for the year ending August 29, 1879.

With these Lackawanna journals must be mentioned the "Law Times," called in Martin's Bench and Bar of Philadelphia at page 199, the *Scranton Law Times*. Vol. 1 number 1 issued October 31, 1873. Vol. 4 had ten numbers, the last dated Dec. 29, 1876. (If more were issued, the fact is not known at The Law Association Library.) Vol. 5 is described as a "New Series," and bears the date, 1883. Vol. 6 is dated 1884-5. Vol. 7 contains but one number.

To resume:—*Lackawanna Bar*, 1878; *Lackawanna Legal Record*, 1879; *Law Times*, 1879-1885; *Lackawanna Jurist* 1888-1895; *Lackawanna Legal News*, 1895-1903; *Lackawanna Jurist* resumed, 1903—current. Also the two numbers of *Lackawanna Bar Reports* mentioned in Note 23. See further note 36 and 37 hereof; and see notes 11 and 40.

27. The *Lancaster Bar* contains Supreme and lower court cases, and some matter of news, and reports of local bar meetings. It began with the number for June 5, 1869. The paging in the first five volumes is anew for each number, which were weekly, four pages each. On Dec. 27, 1870, the journal was named by Rule of Court for Legal notices. See vol. 2, No. 32. The copies at the Law Association library contain neither title page nor index for the first six volumes nor for the last three volumes. In vol. 12, after page 172, the paging begins again at page 160, thus causing a duplication of paging for 160-172, but the matter is not duplicated. The final volume 15, was published until and including November 17, 1883, Nos. 24 and 25 being issued as one number. It contained 96 pages. The copy at the Law Association contains 80 pages. Vol. 10 has 212 pages and 53 numbers. In volume 9 is an instance of freak paging, as follows: Issue of Aug. 25, 1877, pages 49-52; Issue of Sept. 8, pages numbered 53-56; Sept. 15, pages 53-56; Sept. 22, pages 61-64; Sept. 25, pages 53-56. The issue of Sept. 15, probably was intended to be paged 57-60. The Sept. 25th number, judging from its dating, was an extra number, very likely run off several weeks before its publication and causing additional mispaging. The matter is not duplication. The number for Sept. 1, 1877, contains two pages of advertising matter but no cases, unless the Law Association copy for that date is incomplete. The paging of the issue of Oct. 21, 1882, vol. 14, is incorrect, as an inspection at once shows. Sept. 9, 1882, is paged 53-56, the correct figures being 57-60. Page 46 vol. 14 is given as 26 by mistake.

28. *Lancaster Law Review*—Of similar scope to that of the *Lancaster Bar*.

Vol. 1 No. 1 issued December 10, 1883. The editors were H. C. Brubaker and Charles I. Landis, the latter being now the distinguished president judge of Lancaster County. Current in volume 36.

29. *Legal Gazette*—This journal issued July 2, 1869-June 1, 1876. 21 numbers doubtless complete the final volume. It was under able editorship. Among the editors were John H.

Campbell, who sat in the Pennsylvania Constitutional Convention; Silas W. Pettit, in later years collector of the port, at Philadelphia; Theodore F. Jenkins, who afterwards was one of the judges of Common Pleas No. 2, Philadelphia; Hampton L. Carson, afterwards Attorney General of Pennsylvania and elected in 1919 as President of the American Bar Association. Martin's Bench and Bar, at page 199, says of this journal: "It was an excellent paper; but there was no necessity for two newspapers of the same character in this city, neither then or now." (1883). See note 8 hereof.

30. Legal Intelligencer—Pennsylvania District Reports. See body of article. The value of The Legal Intelligencer to the profession in a business way and to persons interested in sales of realty is inestimable, owing to its publication of the trial lists, motion lists, and legal advertisements of sales in Philadelphia; to which observation Mr. Martin, in his work at page 198, adds: It "is historically invaluable, embracing in its columns the reports of the decisions of our Judiciary, on local matters of great interest and importance to our community, which are thus preserved for future reference, and are the evidences of the labors and learning of our Judges, of whose integrity and ability this community is justly proud." The body of this article shows the broad scope of The Legal Intelligencer under the name, District Reports, as to cases from the different counties. The journal in recent years has been under the able editorship of Howard Wurts Page, Esq.

31. Legal and Insurance Reporter. This was a folio published semi-monthly. It contained decisions by the Pennsylvania and other courts. It began December 31, 1859, and the set at the Law Association library shows twenty-seven volumes, the final number in the library copy being no. 17, dated December 10, 1885. The decisions in this journal reported after volume 9 are not considerable in number and are drawn from diverse states besides some federal cases. Calls at the Law library for a volume of this series are seldom made, and probably almost never as to volumes after volume 9.

32. Legal Opinion. This was a folio published weekly at Harrisburg. It began November 5, 1870. Its cases are chiefly of Dauphin County. Its final number is dated October 11, 1873. It was started as a real estate and insurance bulletin but its cases are not confined to those subjects. Its final number was No. 23. In that number, at page 180, it alluded to the meagre returns to its subscription bills then recently sent out, and said "We trust this will be the last time we will have to refer to this matter."—It was. The size of the journal, during its rather brief career, altered greatly from a large to a small folio.

33. Legal Record Reporter—Current in volume 15. Number 1 of volume 1 issued May 9th, 1879. The cases are chiefly of Schuylkill County. Volumes 1 and 2 contain many equity and election cases. This journal

is variously cited. Sometimes it is cited as the Legal Record. This method has the fault of uncertainty; for there is also the Luzerne Legal Record, not to mention the Daily Legal Record. Sometimes it is cited as the Legal Record Reports. This is subject to the same criticism. A citation as the *Schuylkill Legal Record* is both accurate and exclusive of any other journal. The Legal Record Reports, or preferably The Schuylkill Legal Record, is the same thing as The Schuylkill Legal Record Reports, with the exception that the outside sheets of legal notices and advertisements in the weekly numbers are discarded in the "Reports" or bound volume form.

34. Lehigh County Law Journal—current in volume 8. The weekly numbers began in 1904. Volume 1, completed, issued bound in 1906.

35. Lehigh Valley Reporter. This had two volumes bound together in 1887, with a common title page and a common table of cases and index. The paging in volume 2 follows on after that of volume 1. Prior to the No. 1, vol. 1, of April 17, 1885, a specimen number, dated April 10, 1885, likewise numbered vol. 1 No. 1, was issued. It contained five cases in the county courts, besides the syllabus of a sixth in the Philadelphia Common Pleas. Of the five, three are reported in the regular number. Inspection of vol. 2 shows that it must have issued, like vol. 1, in numbers. These generally in both numbers were weekly, but not invariably so. There are two numbers 7 of vol. 2, one of June 4, 1886, the other of June 18, 1886. No later numbering of a weekly issue appears until Numbers 20-25, September 3, 1886-October 15, 1886; after which the next numbered issues are 31, Nov. 26, 1886, 34, Dec. 17, 1886, 39, Jan. 21, 1887, 39 being the last printed numbering. It may be proper in view of these eccentricities, to state that the journal was a good law journal.

36. Luzerne Law Times, Old Series. This began as the Scranton Law Times. With No. 5 of vol. 2, Nov. 27, 1874, the name was printed as Law Times. At the Law Association library, the outside covers to the weekly numbers of vol. 5 have been bound with their respective numbers, and thus preserved. These covers bear the title, The Luzerne Law Times, and perhaps this had been the case throughout. The title page to volume 5 and 6 is a joint title page, one for both, and the title as given upon it is The Law Times. The new series bears the name, The Law Times, New Series, but the library authorities of the period of publication, in binding, gave the name on the backs of the volumes as The Luzerne Law Times, N. S., and the binder labelled the volume of the old series as Luzerne Law Times. The citation, therefore, is best as Luzerne Law Times, O. S., or New, as the case may be. The serial numbering on the outside wrappers shows that volumes 5 and 6 of the old series were issued as volumes 1 and 2 of a New Series, and the fact that volume 4 was a very small one of about 20 pages shows that some temporary reason existed for looking on 5 and

6 as of a new series. The publishers gave scant attention to these outside covers, for on these covers the first fourteen weekly numbers were stated as vol. 5 Old Series, whereas the dates show that the volume was vol. 6 Old Series, a mistake corrected with No. 15. Volumes 5 and 6 of the Old Series are to be so cited, and the numbering of them as of a new series is to be disregarded. The new series as stated in the present-day citation, at least, begins with the volume 1879. No. 3 of vol. 6 had the further mistake on the cover of being numbered as No. 2, on the weekly cover, a little fact which it may be well to state. The number for October 27, 1876, was number 1 of volume 4, but is stated erroneously as No. 53 of vol. 3, and the paging conforms to Vol. 3; but it was classed by the publisher as No. 1 of vol. 4, and the paging of No. 2 of volume 4 is marked as for number 2.

See further the next note hereof, and see note 26.

37. Luzerne Law Times, New Series. See preceding note.

Vol. 7 as found at the Law Association library ran on until February 20, 1885, and contained forty pages in eight numbers.

38. Luzerne Law Journal. I believe that but one number was issued, dated Scranton, Friday, November 17, 1871. The editor was A. H. Winton. This number contains four pages, besides the trial list for the first week, in the Mayor's Court, December Term 1871, commencing Wednesday, December 20, 1871; same for second week, commencing Tuesday, Dec. 26, 1871; and the Argument and Certiorari List in said Court. Outside blue wrappers. The proprietor based his venture on the expectation of a Rule of Court designating it as a medium for legal notices, and contemplated weekly issues. The four pages contain two Common Pleas cases, one reported also in 1 Luzerne Legal Register 374, the other in 1 Luz. Leg. Reg. 375, the reports being identical excepting as to the syllabi, which are more full in the Luzerne Legal Register.

39. Luzerne Legal Observer. This began October 31, 1860. In vol. 1, number 8, at page 60, is a List of Cases Affirmed, Explained, Approved, Doubtful, Denied, Commented on, Qualified and Overruled by the Supreme Court of Pennsylvania, since the publication of the last edition of Wharton's Digest. It comprises about 3½ columns of the Observer, 106 cases. No. 3 of vol. 3, Dec. 19, 1862, contains another such column. No. 14 of vol. 1 contains Professor P. Pemberton Morris's Lecture on Mining Rights in Pennsylvania read before The Law Academy of Philadelphia November 10, 1860. This address was published in pamphlet form by the Law Academy.

No. 20 contains the charge of Conyngham, J., to the Grand Jury, on Opening the New Court House, Jan. 3, 1859. Volume 2, no. 2 contains the Introductory Lecture on Commercial Integrity, Sept. 30, 1861, by George Sharswood, before the Law Department of the University of Pennsylvania.

The preface of vol. 2 of Walker's Reports

states that 2 Walker contains an appendix of ten cases, two Supreme Court cases not elsewhere reported, "which were originally printed in the fourth volume of the Luzerne Legal Observer. . . . A table of cases of the 4th. Luzerne Legal Observer is appended at page 8 of this book, showing where the other cases may be found, thus supplying the want of the volume. A number of cases in this volume were marked to be reported in the state reports but by some accident, were omitted." However, the table at page 8 of 2 Walker shows that the cases which 2 Walker did not copy are themselves copies from other volumes readily obtainable. Thus one was from 31 Mo., six from the Canada Law Journal, Old Series, fifteen from the Pennsylvania State Reports, one from Blatchford, four from the Philadelphia Reports.

40. Luzerne Legal Register. See *infra*, note 21.

A complete bibliography of the legal periodicals as up to its own date published of Luzerne and Lackawanna Counties is given in the preface to Wilcox's Reports. See *ante*, note 11.

41. Magistrate and Constable Lebanon, 1895. This was a weekly journal for the Aldermen, Justices of the Peace and Constables of Pennsylvania. It began on March 21, 1895, and came to an end with No. 8, on May 9, 1895. It contained 66 pages. At page 46 is a careful editorial on fees, and on the decision as to fees of a Clinton County case. The volume contains opinions in six Common Pleas cases, notices of some Supreme Court cases, a few articles, and brief notes of various matters.

42. Miles. See 6 Law Library Journal 12.

43. Parsons. See 6 Law Lib. Journal 17.

44. Pearson. Vol. 1, 1850-68. Vol. 2, 1868

80. These are the decisions of Hon. John J. Pearson, Judge of the Twelfth Judicial District, composed of the counties of Dauphin and Lebanon, reported by his son, William Pearson. These are admirable opinions, although it could not quite be said that in every instance the opinion was correct. Thus as to Coleman's Estate, vol. 2, page 525, see Commonwealth v. Coleman's Administrator, 52 Pa. St. 468, and Commonwealth v. Freedley's Exrs, 21 Pa. St. 33.

45. Pennypacker's Colonial Cases. See 6 Law Lib. J. 5.

46. This is the Pennsylvania Law Journal See 6 Law Lib. Jour. 13.

"Pennsylvania Law Magazine" is simply a misnomer.

47. Pennsylvania Law Record, 1870-1880. This was published weekly at Philadelphia. It began on Tuesday, June 3, 1870. Volume 3, if the Law Association copy is complete, had but four numbers and but thirty-two pages, the final number being dated June 20, 1880. The editor was William Allen Mitchener, Esq. The journal contained reports of judicial decisions, lists of transfers and mortgages of property, mechanics' liens, wills probated, etc.

48. Pennsylvania Law Record, 1898-1902. This was a monthly, and the first number probably is dated February 1898. It was de-

voted to "Building and Loan, Business and Law." Biographical sketches are also given. The last number at the Law Association is No. 13 of vol. 4, dated Sept., Oct. and Nov., 1902.

49. *Pennsylvania Law Series*. This journal was published weekly by undergraduates and graduates of the Law School of the University of Pennsylvania. The *American Law Register* occupied the field, as it had for many years past, and the new journal held on for the time that it continued, only by reason of containing a considerable number of articles of merit. One was a signed article by George S. Graham, District Attorney of Philadelphia at the time, on *Criminal Procedure—Verdict and Judgment*, in volume 2. Another was by the celebrated expert, Persifer Frazer, on *Expert Testimony*, in vol. 3. Some were quite elaborate, as the article on *Imprisonment for Debt*, by Joseph Hill Brinton, vol. 3, pp. 97-129. Vol. 1 contains an article by Irvin Cooke Williams of 47 pages on *The Liability of Architects, Builders, Contractors and Owners for Negligence*. Other articles were published which might well be mentioned. The value of the journal, I think, is rather in the articles than in the cases, the latter consisting chiefly of notes.

50. *Philadelphia Reports*. See body of article. This series contained the decisions published in *The Legal Intelligencer* from 1850 to 1891, inclusive. Martin's Bench and Bar says (p. 196) that it is "A valuable collection of cases of great importance to the practitioner". Vols. 1-8 were edited by Henry E. Wallace, as was vol. 10. 9 was anonymous, but was copyrighted by Wallace. vols. 11-20 were edited by Henry C. Brown. Soule's Manual states the editions. Volumes 1 reached a fourth edition in 1872. Vol. 3 begins at page 17, next after the usual preliminary pages. The *Philadelphia Reports* do not include cases from vols. 1-6 of the *Legal Intelligencer*. The famous dissenting opinion in *Hole vs. Rittenhouse*, by Black, J. in 1856, is in vol. 2. In vol. 3 is a charge of Mr. Justice Wayne, of the United States Circuit Court at Savannah, November 1850, wherein, after alluding to the capture of the alleged slaver, the "Wanderer," he gave a *History of the Present Laws Against the Slave Trade*, published by the Editor as not likely otherwise to be preserved in book form. With volume 7 of *The Legal Intelligencer*, cases were reported more regularly than had been the case with that journal. The *Legal Intelligencer* not long afterwards took on an enlarged size, with No. 31 of vol. 8, Sept. 12, 1851. The *Philadelphia Reports* began with the improvement with volume 7 of *The Legal Intelligencer*.

51. *Pittsburgh Reports*. The cases in these volumes were published originally in the *Pittsburgh Legal Journal*. The volumes are of interest and importance.

52. The *Pittsburgh Legal Journal* was begun on Saturday Evening, April 16, 1853. The journal is a well-known and valuable weekly, containing cases and some news matter of interest to the legal profession. The original

series ran on for twelve volumes. The volumes 13-17 Old Series were called likewise 1-5 New Series; but vol. 18 Old Series was called vol. 1 New Series, and it is with volume 18 Old Series that the numbering as New Series prevailed. The current method of numbering discards the series, so that the volume now running is simply cited as vol. 67. Volume 6 in 1858 was twice begun, once by the old proprietors, on May 8th, continuing thence to July 3, inclusive, 64 pages; and again by the new proprietor, on July 17, 1858, the new vol. 6 being bound by itself.

53. *Sadler*. See 6 *Law Lib. Jr.* 7, 8.

54. *Susquehanna Legal Chronicle*, April 1878, to March 1879. This was published at Montrose, 1878-79, as a monthly. One volume, twelve numbers, 88 pages, was published. The journal's career was brief, but it was well conducted.

55. *Vaux*. Reports of Some of the Criminal Cases on Primary Hearing, before Richard Vaux, Recorder of the City of Philadelphia. Together with some remarks on the Writ of Habeas Corpus: and Forms of Proceeding in Criminal Cases. Phila. 1846. viii 236. Period covered, 1841-1845. This contains 23 cases before the committing magistrate named. Mr. Brightly, in his "Bib." at page 196, calls this "A scarce but worthless book"; but the just estimate is that of Hon. Hampton L. Carson, who says: "His opinions show an intelligent comprehension of the law and independence and courage in the discharge of his duties."

56. *Weekly Notes of Cases*. See 6 *Law Lib. J.* 18.

57. *Woodward's Decisions*. These are decisions by Mr. Justice Warren J. Woodward, while president judge in Berks County, prior to his elevation to the Supreme Court. They are edited by G. A. Endlich, himself long a distinguished judge of Berks County. An interesting sketch of Judge Woodward, written by Judge Endlich, is in volume 1.

58. *Wilcox's Reports*. See *infra*, note 11.

SOME ADDITIONAL REPORTS

Legal Chronicle and Mining Reporter. This was published at Pottsville, Schuylkill County, Sol. Foster, Jr., Editor. The Law Association has only volume 3, January 2, 1875—December 25, 1875, 52 numbers; but the cases of volumes 1 and 2 are in *The Legal Chronicle Reports*. This journal was the first in Schuylkill County devoted exclusively to legal matters, and it was ahead of its time, so that on Christmas Day 1875 the editor published his valedictory. The journal was a good one.

Legal Chronicle Reports of Cases Originally Reported in the numbers of the Legal Chronicle, beginning January 11, 1873, by Sol. Foster, Jr. Vol. 1, 1874, vol. 2, 1877, vol. 3. These volumes report cases of the Supreme Court and the Courts of twelve judicial districts of Pennsylvania, and the preface to vol. 1 states that with few exceptions the cases are published in no other reports. Not all the cases in vol. 3 of the journal are republished in the "Reports." The volumes are

sometimes cited as Foster. A second edition appeared in 1886-1890. This is not surprising, for the judges were truly talented men, as the editor mentions with pride. Volume 3 was small, comprising sixty-odd pages.

Olwine's Law Journal appeared in Philadelphia in weekly numbers. The copy at the Law Association library contains numbers 1-12, Dec. 29, 1849-March 16, 1850, 96 pages. No. 12 contains part of an opinion by Judge Legrand, of the Baltimore County (Md.) Court, with the statement, "Concluded in our Next." See a mention of the Journal in Martin's Bench and Bar, at page 198. We

have not had calls for this Journal, in Philadelphia, although the library bought a copy at a considerable price. The publication was issued, apparently, in opposition to *The Legal Intelligencer*, which was then only some six years old and which had not been a publication of much importance other than for legal advertisements, court lists, etc. The notices of judicial decisions are chiefly in digest form. The journal contains a Law Academy Tract entitled, *Revival of Saxon Laws in Pennsylvania*. This was published in parts in the numbers for Feb. 2, Feb. 9, Feb. 16, Feb. 23, 1850.

SHELF CLASSIFICATION OF FOREIGN LAW BOOKS

ELSIE BASSET, cataloguer, Columbia University Law Library.

Read at Asbury Park, 1919.

Classification is the most scientific process in the field of library science. When grouping legal literature in logical sequence according to subject, the librarian is attempting to do in a more or less mechanical way that which has thwarted for centuries the best efforts of the sages of the law. Statham, Fitzherbert, Hale, Blackstone, all confessed their inability to arrange legal principles in a strictly scientific manner. They were dealing only with English law, with whose terminology they were thoroughly at home. Though there is no absolute parallel between the classification of material within a book and the arrangement of books upon a shelf, the same mental processes are involved. If now we add to the inherent difficulties those which arise from the languages in which the books are written, the different systems of law employed, the strangeness of the technical terms, the variation in meaning of a term as employed in different languages, and the underlying necessity of knowing Anglo-American law, we begin to realize the extent of the problem which confronts the compiler of a classification of foreign law.

Law librarians, however, are under the necessity of acting, and standing not on the manner of doing so. The books come in, must be catalogued and sent on to the shelves. How often the arrangement of the books on the shelves would bear the inspection of a specialist, one would hesitate to say, but in extenuation of any faults that may be found, it may be said that the cataloguer has had little aid in her work from the library profession. There is no list of subject headings for foreign law books, nor is there any scheme of classification which is adequate for a large collection. As regards foreign law we are in the stage of undevelopment which existed in general libraries fifty years ago, and the time has come when concerted action should be taken by law librarians to remedy conditions. Foreign law is bound to be more and more in demand in the United States. Social and economic relations interrupted by the war must be renewed with greater intensity throughout the world. Interdependence of nations, rather than independence, is now the watchword. Therefore it is essential that we prepare for dealings with other nations by building up a collection of books which deal with their

systems of jurisprudence; and in order to be fortified against a probable rapid increase in the acquisition of this material, the law library should be equipped with up-to-date professional machinery.

As the value of the study of comparative law has come to be realized, the collection of books in Columbia University Law Library dealing with continental and Latin American law has grown until it amounts to 5500 volumes. In addition, the library has about 3300 volumes of international law, 1000 of Roman law, 1400 of jurisprudence (which includes foreign titles), 1400 of criminal law (also includes foreign titles), making a total of 10 to 11,000 volumes of foreign law, and as the rate of increase shows signs of acceleration, the problem of shelving them is reasonably important.

In this paper an attempt is made simply to state methods employed in one library where we are still in the experimental stage, and to mention some of the questions which have forced themselves upon the attention.

In shelving foreign law books, there have been certain general questions to be considered: (1) Should a regular scheme of classification with call numbers be used, (2) If a regular scheme of classification is used, should it be the Dewey decimal system, the decimal system modified, or some other special scheme, perhaps one especially designed, (3) Should there be a separate section for jurisprudence, or theory of the law, (4) Should foreign criminal law be classed with the jurisdiction it covers or with the general section of criminal law, (5) What special arrangement should be made for Roman law, and (6) How should foreign legal periodicals be arranged: should they all be grouped in one alphabet, or should they be classed with their respective countries, and should a distinction be made as to the subject they cover.

The present treatment of the section of foreign law in Columbia is in the main a continuance of the system used in the infant days of the law collection, when the whole collection was classed. Years ago, however, the notation for Anglo-American law was given up, since in the opinion of the librarian and law professors it served no useful purpose, and the collection was then shelved in four alphabetical groups: textbooks, statutes, reports and periodicals. In recent years an exception has been made in the case of two groups which for the purposes of a law school library needed special treatment. These are abridgments and dictionaries, which are given a special notation of A and D respectively.

Foreign and international law books have always been classed with a system of notation. This is not because the kinds of foreign law are many or difficult to recognize, but because (1) they are in many different languages;—therefore the pages, having no knowledge of the languages, find them less easily, and since the books are less used they have less opportunity to become familiar with them; (2) the books are not usually on open shelves but in the stacks;—therefore call numbers which may be obtained from the catalog cards serve as a mechanical means of finding the books; and (3) in taking inventory the call numbers serve as a means of identification, more essential in the case of books in foreign languages than of those in English.

When the necessity arises, however, for deciding on a permanent classification for a rapidly growing collection, we are at once in difficulties. The systems of classification which have been compiled to date are all unsatisfactory when

applied to a large collection of foreign law. The Dewey scheme, since it is designed only for public and university libraries, not for specialized libraries, does not provide a sufficiently detailed scheme for foreign law. The same criticism applies to other classifications available. Since the Library of Congress scheme is as yet unprepared, we are under the necessity of either using a ready-made classification with such modifications as will meet our peculiar needs, or else making one of our own. The latter alternative has distinct disadvantages: it is difficult for one library to compile a scheme which will anticipate all directions of growth, and it is a wasteful process for each library to expend its energies on a classification which will have only the benefit of the experience of that one library. It would be much more satisfactory for law librarians to cooperate and publish a scheme which would have the benefit of their united efforts and experience, and which might be adopted by any law library.

While waiting for developments in this direction, Columbia is shelving the foreign law collection in a temporary fashion according to Dewey, with some modifications, as this is the classification used elsewhere in Columbia. The scheme as modified is as follows: 349 with country subdivision as indicated in Dewey, for instance 349.44 French law. This number includes general treatises, constitutions and commentaries. Figure 1 is added for annual laws and collections of laws, 2 for codes, 3 for digests, repertoires and dictionaries, 4 for reports of court decisions, 7 for special topics, 05 for periodicals, 09 for history.

Subdivision 7 (special topics) is of course very general. The one figure has to cover a large variety of subjects, which are arranged at present in a single alphabet by author without regard to individual subjects. This is an unsatisfactory state of affairs, but rather than attempt an elaboration of a scheme which is only temporary, it has been continued without change. The suggestion has been made by the librarian that Cutter numbers be given from the subject instead of from the author. This arrangement would keep together books on one topic and at the same time avoid making the call number more complicated by adding decimals to the class number.

As to the 340 (jurisprudence) section of the Dewey classification, which has been retained in Columbia, it is a question whether foreign treatises on the topics comprised in this group should be kept here with the Anglo-American material, or whether they should be placed in the foreign law section. The policy in Columbia has been to keep together in this class all titles on jurisprudence, both English and foreign, since it seems desirable to make the section comprehensive. 340.1 jurisprudence proper, or theory of the law, .4 trial by jury, .6 medical jurisprudence, all include foreign treatises on these topics. 340 tends to become a dumping ground, and it may be that titles are classed here which properly belong in 349. Incidentally, the word "jurisprudence" as used in French law does not mean theory of the law as in English, but on the contrary, the practical application of the law as determined by judicial decisions, so that a book in French entitled jurisprudence belongs not in 340, but in 349.44 (French law.)

The 344 divisions which in Dewey includes military, naval and martial law, has been expanded in Columbia to accommodate a growing collection, which had an interval of rapid increase during the S. A. T. C. period, when it was greatly in demand. This class is now subdivided as follows: .1 Military law and courts

martial, .2 Naval law and naval courts martial, .3 Martial law. Each of these divisions is further subdivided by country, including both English and foreign.

The section of criminal law, 343, has been used for foreign works only, English and American treatises being kept with the textbooks. For work in comparative law, however, it has been thought advisable to collect all foreign law on the subject, using country subdivisions under the main class number. This means only treatises, however. Criminal laws and codes are shelved with the jurisdiction they cover in 349, as it would be undesirable to separate such a large section of the laws from the foreign law collection. 343.1 has been used broadly to include all trials, English and foreign, and in order to keep all trials together, civil cases also are put here, an arrangement which, though not strictly scientific, is followed for the sake of convenience.

A subject which presents something of a problem is maritime law. It holds a prominent position in international law, and treatises on the subject are often largely of an international character, yet at the same time their utility from the national side must be considered. Also it would seem that the maritime code of a country should not be separated from the other codes. While Columbia has not yet decided what its policy shall be, it may be that this subject will be treated in the same way as criminal law: that is, treatises will be kept in international law, and legislation classed with the laws of its country.

The selection of a scheme for Roman law is more easily made than for modern systems of legislation, since little allowance has to be made for expansion. Roman law is not given to unexpected developments, but keeps accommodatingly within bounds, so that the Dewey scheme does very well for it. Columbia follows Dewey without modification, except that .377 (special topics) is not subdivided. If this group should grow large enough to warrant subdivision, it might be well to follow the plan of the University of California, which divides special topics into five sections: property, contracts, rights of persons, criminal law, and actions; or we might use the same plan that is under consideration for special topics in modern law, of grouping like subjects by assigning the Cutter number from the name of the subject. In the annual report for 1918 the Library of Congress published a temporary classification of Roman law which might serve for the purpose of comparison in compiling a scheme for this branch of law. It is not radically different from the Dewey scheme.

When we come to the question of the arrangement of foreign legal periodicals, there are several possibilities, each with some advantages. There is the possibility of shelving periodicals in all languages in one alphabet, as the Library of Congress does. This method would be in accordance with the arrangement of English and American periodicals in Columbia, which are shelved in this way. While it might be well to have all foreign periodicals together, there are also advantages in the second possibility of classing them with the country where they are published, since their contents are apt to be much the same as the material in court reports, etc., and consequently should not be separated from them. This is the arrangement followed by Columbia for the most part, though exceptions have been made in favor of the third possibility of classing them by subject. Foreign periodicals on criminal law, international law and jurisprudence have been put with those subjects. A difficulty sometimes arises in deciding whether

a periodical should be classed in foreign law or with the subject: whether a periodical in the French language, for instance, should be put with French law or with jurisprudence, or perhaps with 349 (general continental law). The content of a periodical is not always clearly enough defined to make it apparent where it belongs.

The shelf arrangement must of course be supplemented by the card catalog, which brings up the question of subject headings. The Library of Congress list of law headings is inadequate for foreign law, as the terminology is limited to English law. There is need of printed lists of headings for foreign and international law. Lacking these, Columbia is using the Library of Congress list as far as possible for foreign as well as for English law. The policy is to use the English term when the foreign word has its equivalent in English law, and for words which have not their equivalent in English law to use the foreign term. For instance "Denuncia," a term used in Mexican law, is translated Denouncement, but as the term is not used in English law, Denuncia is used as the heading, with a cross reference from Denouncement. The Library of Congress reports that they are using the printed list with such additions as they find necessary, but as their catalog of foreign law is merely an administrative record, the headings used are subject to revision before final adoption. Furthermore, it represents only a fraction of the collection at present, and many new headings will have to be added, so they are as yet unable to give any lead to other libraries.

The foregoing remarks are made less with the idea that they will give information than that they will bring out discussion of a helpful nature, or failing this, that they may establish a community of interest with other librarians laboring under similar difficulties. If the latter is the case, then it would seem logical that this association should unite in an appeal to the national library for cooperation and help. The wasteful individual efforts to deal with foreign law should be abandoned. It would be especially helpful if the Library of Congress could be induced to recatalog and classify its collection of foreign law books, thus completing its classification schedules for that subject and making possible the issuance of subject headings for foreign law, Roman law and international law. If this were done, not only the libraries which possess foreign law collections, but those which have not gone into the field, would benefit. The latter would start out with the advantage of a well worked out scheme of classification and subject headings, and in some instances perhaps this would promote the acquisition of classes of books not now favorably acted upon by boards of trustees.

AMERICAN STATE REPORTS AND SESSION LAWS EXCLUSIVE OF SIDE REPORTS

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Reports	Secretary of State.....	198
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Illinois			
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Session laws	Odd years	Secretary of State.....	1919
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Maine			
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Michigan			
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Minnesota			
Reports	Keefe-Davidson Co., Minneapolis...	140
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Session laws	Odd years	Secretary of State.....	reg. & ex. 1919
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New Hampshire			
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Session laws	Annual	Bureau Insular Affairs, Washington, D. C.	Pub. 1916-17
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Session laws	Annual	Bureau Insular Affairs, Washington, D. C.	2d Sp. 1919
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Tennessee			
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Session laws	Odd years	Secretary of State.....	1919
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Reports	State Librarian	91
Advance parts	John W. Redmond, Reporter, New- port, Vt.	
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